

**BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:)

JOSEPH F. BELLOMO, M.D.)

File No. 16-2006-180477

Physician's and Surgeon's)
Certificate No. G 80391)

Respondent.)
_____)

DECISION

The attached Stipulation for Surrender of License is hereby adopted as the Decision and Order of the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on August 17, 2007.

IT IS SO ORDERED August 10, 2007.

MEDICAL BOARD OF CALIFORNIA

By: Cesar A. Aristeiguieta, M.D.
Cesar A. Aristeiguieta, M.D., F.A.C.E.P.
Chair
Panel A
Division of Medical Quality

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 JOSE R. GUERRERO [97276]
Supervising Deputy Attorney General
3 SUSAN K. MEADOWS
Deputy Attorney General [115092]
4 455 Golden Gate Avenue, Suite 11000
San Francisco, California 94102
5 Telephone: (415) 703-5552
Facsimile: (415) 703-5480

6 Attorneys for Complainant

7
8 **BEFORE THE**
9 **DIVISION OF MEDICAL QUALITY**
10 **MEDICAL BOARD OF CALIFORNIA**
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:)

Case No. 16-2006-180477

12 **Joseph F. Bellomo, M.D.**)
3918 Holland Avenue #106)
13 Dallas, TX 75219)

STIPULATION FOR SURRENDER
OF LICENSE

14 Address of Record)

15 Physician's and Surgeon's)
Certificate No. G 80391)

16 Respondent.)
17

18
19 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the
20 above-entitled proceedings, the following:

21 1. Complainant, David T. Thornton, is the Executive Director of the Medical Board of
22 California, Department of Consumer Affairs ("Board") and is represented by Edmund G. Brown
23 Jr., Attorney General of the State of California and by Susan K. Meadows, Deputy Attorney
24 General.

25 2. Joseph F. Bellomo, M.D. ("respondent") is represented by Jon H. Randall, Attorney at
26 Law, Berry & Randall L.L.P., Market-Ross Place, 1701 Market Street, Suite 320, Dallas, Texas
27 75202. Respondent has been advised by his attorney, and is fully aware of the effect of this

1 Stipulation for Surrender of License ("Stipulation") which respondent and his counsel have
2 carefully read and fully understand.

3 3. Respondent has received and read the Accusation (hereinafter "Accusation") which is
4 presently on file and pending in Case Number 16-2006-180477 before the Division of Medical
5 Quality of the Medical Board of California, Department of Consumer Affairs (hereinafter the
6 "Division"), a copy of which is attached as Exhibit A and incorporated herein by reference.

7 4. Respondent has carefully read, been fully advised by his counsel, and understands the
8 charges and allegations in the Accusation and the effects of this Stipulation.

9 5. Respondent is aware of his rights, including the right to a hearing on the charges and
10 allegations, the right to confront and cross-examine witnesses who would testify against
11 respondent, the right to testify and present evidence on his own behalf, as well as to the issuance
12 of subpoenas to compel the attendance of witnesses and the production of documents, the right to
13 contest the charges and allegations, and other rights which are accorded respondent pursuant to
14 the California Administrative Procedure Act (Gov. Code, § 11500 et seq.) and other applicable
15 laws, including the right to seek reconsideration, review by the superior court, and appellate
16 review.

17 6. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
18 every right set forth in paragraph 5 above.

19 7. Respondent lives and practices medicine in the State of Texas, and has no present
20 intention of returning to California to practice medicine. He wishes to surrender his California
21 license at this time to avoid the costs of an administrative hearing. Respondent agrees that based
22 on the action taken by the Texas Medical Board on or about December 8, 2006, as alleged in the
23 accusation, cause exists to discipline his California physician's and surgeon's certificate pursuant
24 to Business and Professions Code sections 141 and 2305.

25 8. The admissions made by respondent herein are only for the purposes of this
26 proceeding, or any other proceedings in which the Division of Medical Quality, Medical Board
27 of California, or any other professional licensing agency is involved, and shall not be admissible

1 in any other criminal or civil proceeding.

2 9. This Stipulation shall be subject to the approval of the Division. Respondent
3 understands and agrees that the Medical Board's staff and counsel for complainant may
4 communicate directly with the Division regarding this stipulation and settlement, without notice
5 to or participation by respondent or respondent's counsel. By signing this stipulation, respondent
6 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation
7 prior to the time the Division considers and acts upon it. In the event that this stipulation is
8 rejected for any reason by the Board, it will be of no force or effect for either party. The Board
9 will not be disqualified from further action in this matter by virtue of its consideration of this
10 stipulation.

11 10. Upon acceptance of this stipulation by the Board, respondent understands that he
12 will no longer be permitted to practice as a physician and surgeon in California, and also agrees
13 to surrender and cause to be delivered to the Board any license and wallet certificate in his
14 possession before the effective date of the decision.

15 11. Respondent fully understands and agrees that if he ever files an application for
16 relicensure or reinstatement in the State of California, the Board shall treat it as a petition for
17 reinstatement, and respondent must comply with all laws, regulations and procedures for
18 reinstatement of a revoked license in effect at the time the petition is filed.

19 12. Respondent understands that he may not petition for reinstatement as a physician
20 and surgeon for a period of three (3) years from the effective date of his surrender. Information
21 gathered in connection with Accusation number 16-2006-180477 may be considered by the
22 Division of Medical Quality in determining whether or not to grant the petition for reinstatement.
23 For the purposes of the reinstatement hearing, the allegations contained in Accusation number
24 16-2006-180477 shall be deemed to be admitted by respondent, and respondent waives any and
25 all defenses based on a claim of laches or the statute of limitations.

26 13. The parties agree that facsimile copies of this Stipulation, including facsimile
27 signatures on it, shall have the same force and effect as the original Stipulation signatures.

ACCEPTANCE

I, Joseph F. Bellomo, M.D., have carefully read the above stipulation. I enter into it freely and voluntarily and with full knowledge of its force and effect, and with advice of counsel. I do hereby surrender my Physician and Surgeon's Certificate Number G 80391 to the Division of Medical Quality, Medical Board of California, for its formal acceptance. By signing this stipulation to surrender my license, I recognize that upon its formal acceptance by the Board, I will lose all rights and privileges to practice as a physician and surgeon in the State of California and I also will cause to be delivered to the Board any license, including wall, and wallet certificate in my possession before the effective date of the decision.

DATED: 6/7/07


JOSEPH F. BELLOMO, M.D.
Respondent

I have fully discussed with respondent the terms and conditions and other matters contained in the above Stipulated Surrender of License and approve its form and content.

DATED: 6/14/07

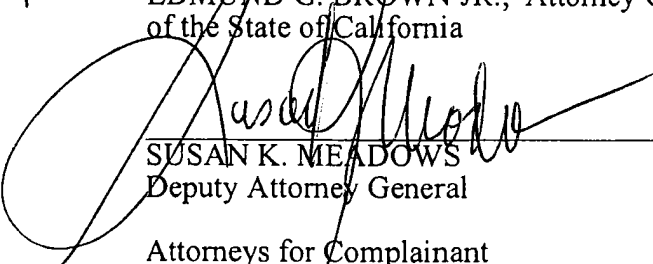

JON H. RANDALL
BERRY & RANDALL, L.L.P.

Attorneys for Respondent

I CONCUR IN THE STIPULATION.

DATED: July 3, 07

EDMUND G. BROWN JR., Attorney General
of the State of California


SUSAN K. MEADOWS
Deputy Attorney General

Attorneys for Complainant
Medical Board of California

Exhibit A: Accusation

EXHIBIT A

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 JOSE R. GUERRERO [97276]
Supervising Deputy Attorney General
3 SUSAN K. MEADOWS
Deputy Attorney General [115092]
4 455 Golden Gate Avenue, Suite 11000
San Francisco, California 94102
5 Telephone: (415) 703-5552
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6 Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO May 2, 2007
BY Valerie Moran ANALYST

8 **BEFORE THE**
9 **DIVISION OF MEDICAL QUALITY**
10 **MEDICAL BOARD OF CALIFORNIA**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:)

Case No. 16-2006-180477

12 **Joseph F. Bellomo, M.D.**
13 3918 Holland Avenue #106
Dallas, TX 75219)

ACCUSATION

14 Address of Record)

15 Physician's and Surgeon's
Certificate No. G 80391)

16 Respondent.)
17 _____)

18
19 The Complainant alleges:

20 **PARTIES**

21 1. Complainant David T. Thornton is the Executive Director of the Medical
22 Board of California (hereinafter the "Board") and brings this accusation solely in his official
23 capacity.

24 2. On or about December 14, 1994, Physician's and Surgeon's Certificate No.
25 G 80391 was issued by the Board to Joseph F. Bellomo, M.D. (hereinafter "respondent"). This
26 certificate is delinquent with an expiration date of July 31, 2006.

27 //

JURISDICTION

3. This accusation is brought before the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs (hereinafter the "Division"), under the authority of the following sections of the California Business and Professions Code (hereinafter "Code") and/or other relevant statutory enactment:

A. Section 2227 of the Code provides in part that the Board may revoke, suspend for a period of not to exceed one year, or place on probation, the license of any licensee who has been found guilty under the Medical Practice Act, and may recover the costs of probation monitoring if probation is imposed.

B. Section 2305 of the Code provides, in part, that the revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license to practice medicine issued by that state, that would have been grounds for discipline in California under the Medical Practice Act, constitutes grounds for discipline for unprofessional conduct.

C. Section 141 of the Code provides:

"(a) For any licensee holding a license issued by a board under the jurisdiction of a department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or by another country shall be conclusive evidence of the events related therein."

"(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by the board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country."

4. Respondent is subject to discipline within the meaning of section 141 of

1 the Code and/or is guilty of unprofessional conduct and subject to disciplinary action within the
2 meaning of section 2305 of the Code as more particularly set forth herein below.

3 **FIRST CAUSE FOR DISCIPLINE**

4 (Discipline, Restriction, or Limitation Imposed by Another State)

5 5. On December 8, 2006, the Texas Medical Board (hereinafter "Board")
6 ordered the respondent to undergo a complete forensic evaluation which included a social history
7 and background information, history of the illness, mental status exam, review of record and
8 other pertinent information, DSM IV multi-axial diagnosis and treatment recommendations,
9 enrollment in and successful completion of the program for distressed physicians at Vanderbilt
10 Medical Center for Professional Health, completion of 10 hours of course work in ethics, and
11 continuing psychiatric care if recommended by the evaluating psychiatrist. The basis for this
12 order was an incident at Lancaster Hospital in Texas in which the respondent's actions were
13 disruptive to the staff and the patient.

14 6. Attached hereto as Exhibit A and incorporated by reference as if fully set
15 forth is a true and correct copy of the Texas Board's Agreed Order dated December 8, 2006.

16 7. Respondent's conduct and/or the action of the Texas Board as set forth in
17 paragraphs 5 and 6, above, constitute unprofessional conduct and grounds for disciplinary action
18 within the meaning of section 2305 of the Code, and/or discipline by another state within the
19 meaning of section 141(a) of the Code. Therefore, cause for disciplinary action exists.

20 **PRAYER**

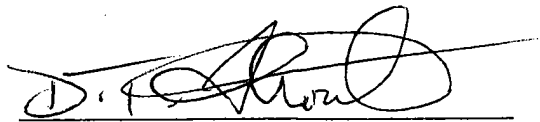
21 **WHEREFORE**, the complainant requests that a hearing be held on the matters
22 herein alleged, and that following the hearing, the Division issue a decision:

- 23 1. Revoking or suspending Physician and Surgeon's Certificate Number G
24 80391 heretofore issued to respondent ;
25 2. Ordering respondent to pay the Division the costs of probation monitoring
26 upon order of the Division; and,
27 3. Revoking, suspending or denying approval of the respondent's authority to

1 supervise physician assistants; and,

2 4. Taking such other and further action as the Division deems necessary and
3 proper.

4 DATED: May 2, 2007

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6 **DAVID T. THORNTON**
7 Executive Director
8 Medical Board of California
9 Department of Consumer Affairs
10 State of California

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Complainant

EXHIBIT A

LICENSE NO. H-2987

IN THE MATTER OF

THE LICENSE OF

JOSEPH F. BELLOMO, M.D.

BEFORE THE

TEXAS MEDICAL BOARD

AGREED ORDER

On the 8th day of December, 2006, came on to be heard before the Texas Medical Board (the "Board"), duly in session, the matter of the license of Joseph F. Bellomo, M.D. ("Respondent").

On September 29, 2006, Respondent appeared in person, with counsel D. Bowen Berry, at an Informal Show Compliance Proceeding and Settlement Conference in response to a letter of invitation from the staff of the Board. Roger Calhoun represented Board staff. The Board's representatives were Manuel Guajardo, M.D. and Annette P. Raggette, members of the Board.

Upon the recommendation of the Board's representatives and with the consent of Respondent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order.

FINDINGS OF FACT

The Board finds that:

1. Respondent received all notice required by law. All jurisdictional requirements have been satisfied. Respondent waives any defect in notice and any further right to notice or hearing under the Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code (the "Act") or the Rules of the Board.
2. Respondent currently holds Texas Medical License No. H-2987. Respondent was originally issued this license to practice medicine in Texas on December 1, 1987. Respondent is also licensed to practice in California.
3. Respondent is primarily engaged in the practice of cardiology. Respondent is board certified by the American Board of Internal Medicine.
4. Respondent is 50 years of age.

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Page 1 of 7

STATE OF TEXAS
COUNTY OF TRAVIS

Sally Durocher, certify that I am an official assistant custodian of records for the Texas Medical Board, and that this is a true and correct Copy of the original, as it appears on file in this office.

Witness my official hand and seal of the Board,
this 26th day of JANUARY, 2007
Sally Durocher
Assistant Custodian of Records

5. Respondent has not previously been the subject of disciplinary action by the Board.

6. In August 2005, there was an incident at the Medical Center at Lancaster Hospital during which Respondent's actions were disruptive to staff and patient G.W.

7. Respondent has cooperated in the investigation of the allegations related to this Agreed Order. Respondent's cooperation, through consent to this Agreed Order, pursuant to the provisions of Section 164.002 the Act, will save money and resources for the State of Texas. To avoid further investigation, hearings, and the expense and inconvenience of litigation, Respondent agrees to the entry of this Agreed Order and to comply with its terms and conditions.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Board concludes that:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.

2. Board Rule 190.8(2)(Q) provides that behaving in a disruptive manner toward licensees, hospital personnel, other medical personnel, patients, family members or others that interferes with patient care or could be reasonably expected to adversely impact the quality of care rendered to a patient constitutes unprofessional and dishonorable conduct.

3. Section 164.052(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent based upon Respondent's unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public.

4. Section 164.001 of the Act authorizes the Board to impose a range of disciplinary actions against a person for violation of the Act or a Board rule. Such sanctions include: revocation, suspension, probation, public reprimand, limitation or restriction on practice, counseling or treatment, required educational or counseling programs, monitored practice, public service, and an administrative penalty.

5. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.

6. Section 164.002(d) of the Act provides that this Agreed Order is a settlement agreement under the Texas Rules of Evidence for purposes of civil litigation.

ORDER

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that:

1. Within 30 days after the entry of this Order, Respondent will receive from the Board the name of a physician who is board certified in forensic psychiatry to serve as the evaluating psychiatrist. Within 30 days after Respondent receives the name of the approved physician, Respondent shall submit to and obtain a complete forensic evaluation from the board-approved evaluating psychiatrist.

The psychiatric evaluation shall include, at a minimum: (a) social history and background information, (b) history of present illness, (c) mental status exam, (d) review of records and other pertinent collateral information, (e) DSM IV multiaxial diagnosis, and (f) treatment recommendations.

The Compliance Division of the Board shall furnish a copy of this Order to the evaluating psychiatrist, who shall make a full report to the Board regarding Respondent's evaluation and any subsequent reports regarding Respondent's compliance with this Order. Respondent shall follow all recommendations made by the evaluating psychiatrist regarding continued care and treatment.

If the evaluating psychiatrist recommends continued psychiatric care and treatment, within 30 days after that recommendation, Respondent shall submit in writing to the Director of Compliance of the Board the names of three physicians, who are board certified in psychiatry, which may include the name of Respondent's current treating psychiatrist, to serve as the treating psychiatrist. The Executive Director may reject all of the submitted names and require the submission of additional names or approve one. Respondent shall begin the recommended care and treatment within 30 days after notification of approval of the treating psychiatrist. The Board and Respondent shall furnish a copy of this Order to the treating psychiatrist as authorization for the treating psychiatrist to make reports to the evaluating psychiatrist regarding Respondent's compliance with the terms of this Order. Respondent shall follow all recommendations made by the treating psychiatrist regarding continued care and treatment.

During any continued care and treatment, Respondent shall be monitored for purposes of compliance with this Order. The evaluating psychiatrist will monitor Respondent's treatment and rehabilitation, and provide progress reports to the Board every six months. The reports are due on March 15 and September 15. The monitoring reports shall include (a) current mental status examinations; (b) pertinent history and social background information; (c) progress with

treatment and rehabilitation; and (d) updated recommendations for Respondent's care. Respondent shall authorize the evaluating psychiatrist to obtain any collateral information necessary for preparation of the monitoring reports from any third party, including the treating psychiatrist. The collateral information obtained shall be strictly limited to the minimum information necessary to ensure adequate assessment of Respondent's rehabilitation and compliance with the terms of this Order.

Board staff may furnish to the evaluating and treating psychiatrists any Board information that it determines, in its discretion, may be helpful or required for the evaluation and treatment of Respondent.

Respondent's failure to cooperate with the evaluating or treating psychiatrist or failure to follow their recommendations shall constitute a violation of this Order.

2. Within one year from the entry of this Order, Respondent shall enroll in and successfully complete the program for distressed physicians offered by the Vanderbilt Medical Center for Professional Health, or an equivalent course approved in advance by the Executive Director. To obtain approval for a course other than the Vanderbilt course, Respondent shall submit in writing to the Director of Compliance for the Board information on the course, to include at least a reasonably detailed description of the course content, faculty, course location, and dates of instruction. Respondent shall submit documentation of attendance and successful completion of this requirement to the Director of Compliance for the Board on or before the expiration of the time limit set forth for completion of the course.

3. Within one year from the date of the entry of this Order, Respondent shall obtain 10 hours of ethics through courses or programs that have been approved in writing by the Executive Director of the Board. This ethics education is not limited to medical ethics. To obtain approval, Respondent shall submit to the Director of Compliance for the Board complete information on the courses or programs to include at least the course content and faculty. Respondent shall deliver documentation of attendance and successful completion of this requirement for ethics education to the Director of Compliance for the Board on or before the first anniversary date of the entry of this Order.

4. If the evaluating psychiatrist recommends continued care and treatment this Order shall require two monitoring reports from the evaluating psychiatrist, as detailed in Ordering Paragraph No. 1., and shall terminate following the receipt, by the Board, of the second report.

5. If the evaluating psychiatrist does not recommend continued care and treatment this Order shall terminate upon the successful completion of Ordering Paragraphs Nos. 1, 2 and 3.

6. Respondent shall be permitted to supervise and delegate prescriptive authority to physician assistants and advanced practice nurses and to supervise surgical assistants.

7. The time period of this Order shall be extended for any period of time that (a) Respondent subsequently resides or practices outside the State of Texas, (b) Respondent's license is subsequently canceled for nonpayment of licensure fees, or (c) this Order is stayed or enjoined by Court Order. If Respondent leaves Texas to live or practice elsewhere, Respondent shall immediately notify the Board in writing of the dates of Respondent's departure from and subsequent return to Texas. When the period of extension ends, Respondent shall be required to comply with the terms of this Order for the period of time remaining on the extended Order. Respondent shall pay all fees for reinstatement or renewal of a license covering the period of extension.

8. Respondent shall comply with all the provisions of the Act and other statutes regulating the Respondent's practice.

9. Respondent shall fully cooperate with the Board and the Board staff, including Board attorneys, investigators, compliance officers, consultants, and other employees or agents of the Board in any way involved in investigation, review, or monitoring associated with Respondent's compliance with this Order. Failure to fully cooperate shall constitute a violation of this order and a basis for disciplinary action against Respondent pursuant to the Act.

10. Respondent shall inform the Board in writing of any change of Respondent's mailing or practice address within ten days of the address change. This information shall be submitted to the Permits Department and the Director of Compliance for the Board. Failure to provide such information in a timely manner shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

11. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute unprofessional conduct likely to deceive or defraud the public, and to injure the public, and shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act. Respondent agrees that 10 days notice of a Probationer Show Compliance Proceeding to address any allegation of non-compliance of this Agreed Order is

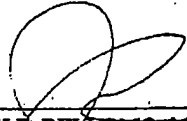
adequate and reasonable notice prior to the initiation of formal disciplinary action. Respondent waives the 30 day notice requirement provided by §164.003(b)(2) of the Medical Practice Act and agrees to 10 days notice, as provided in 22 Texas Administrative Code §187.44(4).

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

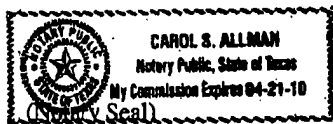
I, JOSEPH F. BELLOMO, M.D., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: November 20, 2006.


JOSEPH F. BELLOMO, M.D.
RESPONDENT

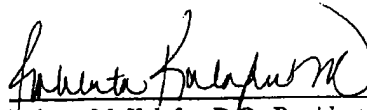
STATE OF Texas §
COUNTY OF Dallas §

SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 20th day of November, 2006.




Signature of Notary Public

SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this
8th day of December, 2006.


Roberta M. Kalafut, D.O., President
Texas Medical Board